

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF

ZIGMAS MIKUZIS, JR
DONNA MIKUZIS,

DEBTORS

IN PROCEEDINGS
UNDER CHAPTER 7

CASE NO. 19-20267
JUDGE: Hollis

NOTICE OF MOTION

Notified via Electronic Filing

U.S. Trustee, 219 S Dearborn St, Room 873, Chicago, IL 60604

Peter N. Metrou, Metrou & Associates PC, 123 W Washington St Suite 216, Oswego, IL 60543

Saulius Modestas, Modestas Law Offices, P.C., 401 S. Frontage Road, Suite C, Burr Ridge, IL 60527

Notified via US Postal Service

Zigmas Mikuzis, Jr, 620 Edgebrook Drive, Shorewood, IL 60431

Donna Mikuzis, 620 Edgebrook Drive, Shorewood, IL 60431

Please take notice that on the 16th day of August, 2019, at the hour of 10:00 a.m. or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Pamela Hollis, at the United States Bankruptcy Court, Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, IL 60432 or before any other Bankruptcy Judge who may be presiding in his/her place and stead and shall then and there present the accompanying motion. At that time and place you may attend if you so choose.

AFFIDAVIT OF SERVICE

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be sent to the Debtors at the address listed below. Said copy was placed in an envelope addressed as listed below and placed in the U.S. Mail on August 8, 2019, with first class postage prepaid. All other parties entitled to notice received such notice electronically, through the office of the Clerk of the Court.

Respectfully Submitted,

/s/ Michael N. Burke

Mike Kalkowski ARDC #6185654
Richard B. Aronow ARDC# 03123969
Michael N. Burke ARDC#6291435
Shapiro Kreisman & Associates, LLC
2121 Waukegan Road, Suite 301
Bannockburn, IL 60015
(847) 291-1717
Attorneys for Movant
18-086095

The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES the Movant, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS INDENTURE TRUSTEE FOR THE CIM TRUST 2017-8 MORTGAGE-BACKED NOTES, SERIES 2017-8, by and through its attorneys, Shapiro Kreisman & Associates, LLC, and moves this Court for the entry of an order modifying the automatic stay, pursuant to 11 USC § 362(d) and in support thereof states as follows:

1. That the Debtors filed a Petition for relief under Chapter 7 of the U.S. Bankruptcy Code on July 19, 2019.
2. That the Movant is a Creditor of the Debtors, pursuant to a note secured by a mortgage on the real property commonly known as: 620 Edgebrook Drive, Shorewood, IL 60431.
3. That the Debtors are in default under the terms of said note and mortgage for failure to make the installment payments due November 1, 2017, in the amount of \$2,299.82; December 1, 2017, through November 1, 2018, each in the amount of \$2,026.04; and December 1, 2018, through August 1, 2019, each in the amount of

\$1,966.34. That default does not include attorneys' fees, costs of collection and other advances and it does not constitute reinstatement.

4. That the indebtedness due Movant as of August 2, 2019, is \$362,301.77. Said indebtedness is currently due Movant after applying all offsets and credits due Debtors.

5. That the Debtors' schedules suggest that the fair market value of said property is approximately \$220,000.00.

6. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

7. That the Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.

8. That the Movant lacks adequate protection in that there is little or no equity in the premises and that the Debtors are not making payments to the Movant as provided by the mortgage and note.

9. That the subject property is not necessary for an effective reorganization and the Movant is entitled to relief pursuant to 11 USC § 362(d).

10. That the Movant wishes to be reimbursed for the costs and attorneys' fees of filing this motion.

11. That, for the reasons set forth above, it would be inequitable to delay the enforcement of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS INDENTURE TRUSTEE FOR THE CIM TRUST 2017-8 MORTGAGE-BACKED NOTES, SERIES 2017-8 prays that this Court enter an order modifying the automatic stay to allow said creditor to foreclose the mortgage or, in its sole discretion, to accept a short sale or deed in lieu of foreclosure on the property known as:620 Edgebrook Drive, Shorewood, IL 60431; and that Federal Bankruptcy Rule 4001(a)(3) be waived.

Respectfully submitted,

/s/ Michael N. Burke

Attorney for U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY
AS INDENTURE TRUSTEE FOR THE CIM TRUST
2017-8 MORTGAGE-BACKED NOTES, SERIES
2017-8

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